



MARTHA COAKLEY
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS OFFICE OF THE ATTORNEY GENERAL

CONSUMER PROTECTION DIVISION
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

(617) 727-2200
(617) 727-4765 TTY
www.mass.gov/ago

Payments Related to Tenancy

A landlord may only ask for the following payments up front:

- ✓ The first month's rent
- ✓ A security deposit to cover the cost of any damage to the apartment beyond normal wear and tear (which may not exceed the amount of one month's rent)
- ✓ The last month's rent (the month that will turn out to be the tenant's last one in the apartment)
- ✓ The cost of a new lock and key for the apartment

The landlord should provide a signed receipt for any payment that is made with cash or a money order. The receipt should say the amount paid, the date the payment was made, and what the payment was for. The receipt should also include the landlord's name, the tenant's name, and the name of the person to whom the payment was given.

Laws Governing the Security Deposit

All security deposits must be deposited in a Massachusetts bank, in an account that collects interest, and within the first month of the tenancy. The landlord must provide the tenant with the name and address of the bank holding the security deposit, plus the actual account number. Each year, the landlord must either pay the tenant the interest on the security deposit or let the tenant deduct that amount from a rent payment.

The landlord should give the tenant a "statement of condition" within 10 days of receipt of the security deposit, which describes the condition of the apartment and any damage that exists at that time. The tenant has 15 days to add to the "statement of condition" or make changes to it. Both parties should keep copies of the final "statement of condition." [M.G.L. c. 186, § 15B.](#)

When the tenancy ends, the landlord must return the security deposit, plus interest, within 30 days. However, the landlord may keep any unpaid rent or the amount of money needed to repair damage done to the apartment (beyond normal wear and tear). If the lease provides for it, the landlord may also deduct the tenant's share of any increase in the landlord's property taxes.

If the landlord must keep all or a part of the security deposit for damages, then the landlord must give the tenant a written description of the damage and an estimate of the repair cost within 30 days from the time the tenant moves out.

Laws Governing the Last Month's Rent

If the tenant provides the landlord with the last month's rent at the commencement of the tenancy, then the landlord must give the tenant a signed receipt. Like all receipts in the tenancy process, the receipt

should say the amount paid, the date the payment was made, what the payment was for, the landlord's name, the tenant's name, and the name of the person to whom the payment was given. When the tenancy ends, the tenant is entitled to any interest earned on the last month's rent. [M.G.L. c. 186, § 15B.](#)

For more information...

For more detailed information about landlord and tenant rights, please visit the Attorney General's Office website, www.mass.gov/ago, and view the publication, **The Attorney General's Guide to Landlord/Tenant Rights**. You may also contact the Attorney General's Consumer Complaint and Information hotline at (617) 727-8400.

Resources

Office of the Attorney General Consumer Protection Division

www.mass.gov/ago

(617) 727-8400 Consumer Complaint and Information Hotline

Massachusetts Department of Housing and Community Development

www.mass.gov/dhcd

(617) 573-1100

Massachusetts Housing Court

<http://www.mass.gov/courts/courtsandjudges/courts/housingcourt/index.html>

(617) 788-6500

Massachusetts Commission Against Discrimination

www.mass.gov/mcad

(617) 994-6000 Boston

(413) 739-2145 Springfield